

REMARKS

In response to the Official Action mailed November 15, 2007, and the telephone interview with Examiner Jackson on December 14, 2007,, Applicant respectfully requests reconsideration, reexamination and allowance of claims 1 in view of the above amendments and the following remarks.

First, Applicant would like to thank Examiner Jackson for her time and consideration during the telephone interview of December 14 during which the pending claims and the cited art were discussed, and during which the present claim amendment was proposed in principle. The above-noted claim amendment is in comport with the proposed amendment discussed during that interview.

In the above-referenced Action, Examiner Jackson rejected claim 1 under 35 USC 102(a) or 102(e) as anticipated by Walther, US Patent No. 6,319,969, under 35 USC 102(b) as anticipated by Davis, US Patent No. 5,859,114, under 35 USC 102(b) as anticipated by Wheeler, US Patent No. 6,110,985, claims 1 and 7 under 35 USC 102(b) as anticipated by Hanley IV, US Patent No. 6,150,428 and claims 1 and 7 under 35 USC 102(a) or 102(e) as anticipated by Hanley IV, US Patent No. 6,281,260. Last, the Examiner has rejected claim 9 under 35 USC 103 as unpatentable over with of the Hanley, IV patents.

By this amendment, applicant has amended claim 1 to include the elements previously recited in claims 7 and 9, and has cancelled claims 7 and 9. Applicant has also amended the preamble to better define the invention as a sealing element for forming a seal between first and second components consisting of a desirably shaped body of a heat-activatable sealant that is formulated from a first polymer being an ethylene vinyl acetate copolymer in a concentration of about 25 percent to about 30 percent of the sealant, a calcium carbonate inert mineral filler material in a concentration of about 25 percent to 30 percent of the sealant, a second polymer, the second polymer being an ethylene polymer other than an ethylene vinyl acetate copolymer in a concentration of about 20 percent to about 35 percent of the sealant, a hydrocarbon resin in a concentration of about 10 percent to about 15 percent of the sealant, an epoxy resin present in a concentration of about 2 percent to about 5 percent of the sealant and an activator present in a concentration of about less than one percent of the sealant.

It is applicant's position that none of the art of record discloses this combination of an ethylene vinyl acetate copolymer (in a concentration of about 25 to 30 percent), a calcium carbonate inert mineral filler material (in a concentration of about 25 to 30 percent), an ethylene polymer other than an ethylene vinyl acetate copolymer (in a concentration of about 20 to 35 percent), a hydrocarbon resin (in a concentration of about 10 to 15 percent), an epoxy resin (in a concentration of about 2 to 5 percent) and an activator (in a concentration of about less than one percent), and no other elements (ingredients) that would materially affect the character of the sealant.

For example, Walther is lacking, among other things, both an epoxy resin and an activator, Davis includes, among other things, cure packages, accelerators, antioxidants and the like (col. 13-14), Wheeler includes among other things an asphalt filler and a blowing agent, Hanley 428 includes among other things, blowing, molding and processing agents, and Hanley 260, which is a divisional application from that that matured into Hanley 428, accordingly discloses the same as Hanley 428.

Accordingly, it is applicant's position that the art of record is wither missing an essential element of the claimed invention or includes an element that is not claimed in the presently claimed invention that would materially alter the character of the sealant.

In conclusion, Application submits that claim 1 as presented above is in condition for allowance and earnestly solicits early indication of same.

Applicant believes that no fee is due in connection with the present Amendment. The Commissioner is, however, authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2035.

Should the Examiner believe that a telephone interview would expedite prosecution and allowance of the present application, or address any outstanding formal issues, she is respectfully requested to contact the undersigned.

Respectfully submitted,



By _____
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